

PLANNING COMMISSION REPORT



MEETING DATE: September 14, 2005 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

Subject **GLO Abandonment 129th Street - 4-AB-2005**

Request **Request to consider the following:**

1. Abandon the 33 foot wide GLO Easement along the eastern property boundary.
2. Abandon thirteen (13) feet of the 33 foot GLO easement along the western property boundary, full property frontage.
3. Dedicate a twenty (20) foot wide right-of-way along the western property boundary.

Related Policies, References:

General Plan: Community Mobility Element, Trails Master Plan

[9-500.24. Federal patent easements: city and town abandonment](#)

A city or town, by its own motion or at the request of a property owner, may abandon a federal patent easement established by the small tract act of 1938 that the city or town determines, after notifying and obtaining the consent of all affected utilities, is not being used by the public or is no longer necessary in the same manner as other easements are abandoned.

Owner R & R Investments
602-228-2396

Applicant Contact Victor Black
Black Design Inc
480-947-8517

Location 9875 N 129th St.

Background

Background.

The subject 33 foot GLO patent roadway and public utility easements were dedicated on the original GLO patent deed in 1954. The GLO easement is located along the eastern property boundary and the western property boundary within the 129th Street alignment.

General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act



was passed in 1938 and repealed in 1976.

- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically “as near as practicable to the exterior boundaries”.
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per our circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- In 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.

The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the two 165 feet GLO easements are unimproved.

Zoning.

The site is zoned Single Family Residential District, Environmental Sensitive Lands Ordinance (R1-43 ESL)

Context.

The lot is not within a subdivision and is described by metes and bounds and fronting along 129th Street. The surrounding property is also zoned R1-43 ESL.

Goal/Purpose of Request.

This request is to abandon the entire 33 feet of a GLO roadway and public utility easement along the eastern property boundary and a three-foot wide portion of the easement along the western property frontage (129th Street). The existing GLO Easements serve no purpose for access and there are no public utilities within the easements.

Key Issues.

CITY IMPACT:

- Dedicates a twenty-foot wide right-of-way, 129th Street.
- Reserves a twenty-foot wide GLO roadway and public utility easement along the western property frontage.
- Maintains consistency with city street standards as required by the Design Policies and Procedures Manual.

Applicant’s
Proposal

NEIGHBORHOOD IMPACT:

The abandonment of the GLO easement and public utility easement along the western property boundary and a portion of the eastern property boundary has no significant impact on the neighborhood.

PROPERTY OWNER IMPACT:

Enables the property owner to develop a single family residence and dedicate Natural Area Open Space which cannot be dedicated over existing GLO Easements.

Community Impact.

The surrounding properties all have existing access. There is no significant impact on the existing properties.

Impact Analysis**Departmental Responses.**

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Community Involvement.

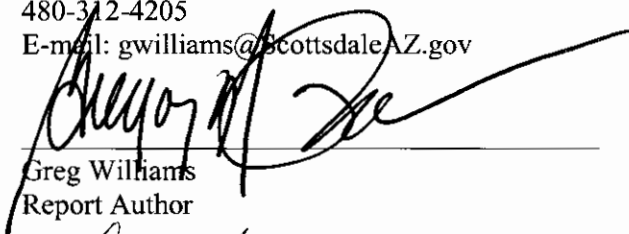
Surrounding property owners within 750-feet have been notified. There have been no general inquiries, or comments at the time of writing this report.

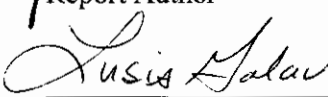
**Staff
Recommendation****Recommended Approach:**

Staff recommends approval.

Responsible**Planning and Development Services Department****Dept(s)****Staff Contact(s)**

Greg Williams
Senior Planner
480-342-4205
E-mail: gwilliams@scottsdaleAZ.gov

Approved By

Greg Williams
Report Author

Lusia Galav, AICP
Current Planning Director**Attachments**

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Easements & Right-of-Ways
5. Area Trails Plan
6. City Notification Map

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Department Issues Checklist

Transportation

☒ **Support**

Access for this parcel will be from 129th Street to the west of the property. Twenty (20) feet of right of way will be dedicated to the City for 129th Street.

Trails

☒ **Support**

The public trails system for this area is located on the north side of Mountain View Road, at about 150 feet south of the site's southern property boundary. There is no trail requirement for this property.

Public Utilities

☒ **Support**

All utility companies have been notified and responded with no reservations.

Emergency/Municipal Services

☒ **Support**

This request does not impact the ability to serve this property

Water/Sewer Services

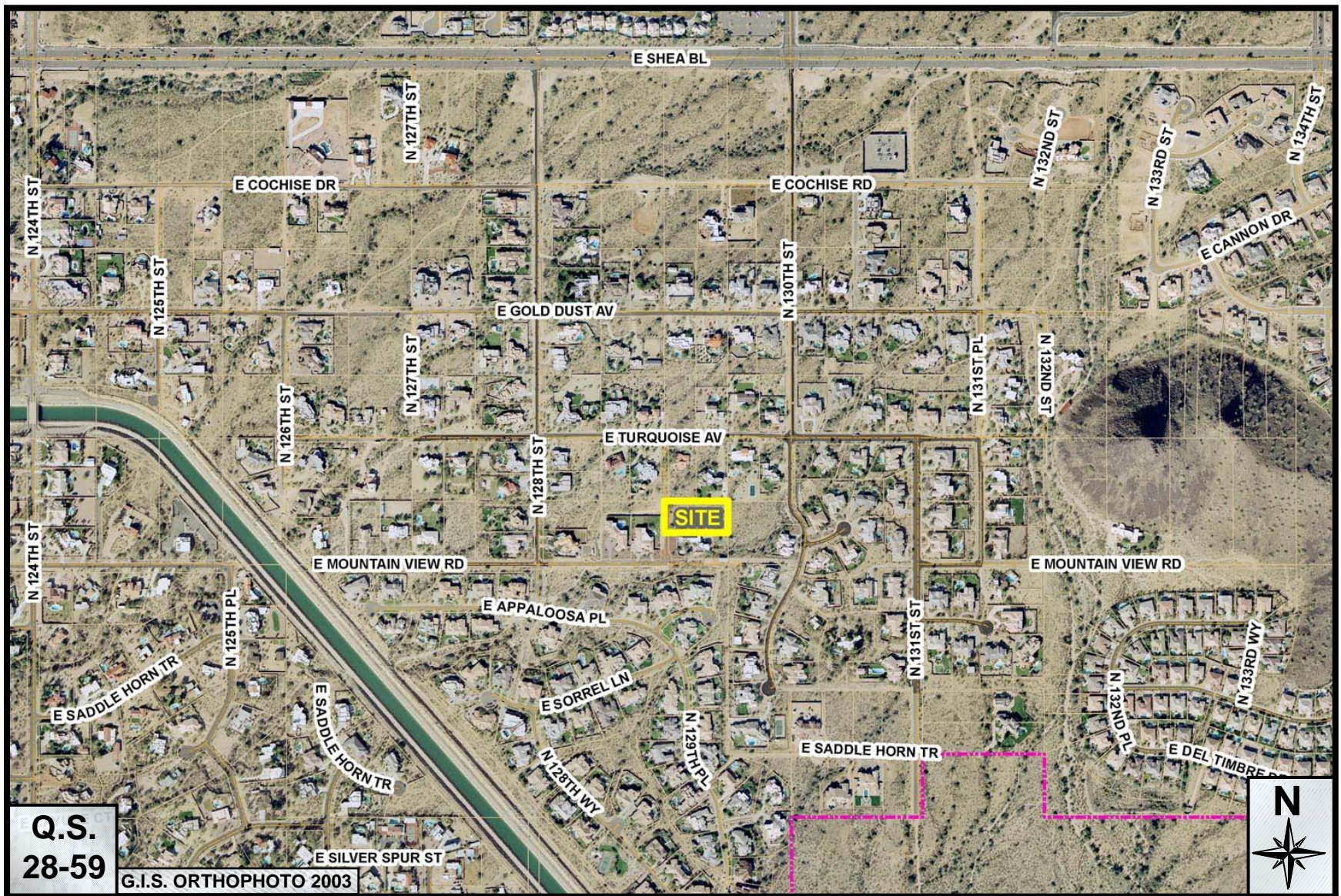
☒ **Support**

This request does not impact the ability to serve any of the surrounding area.

Drainage

☒ **Support**

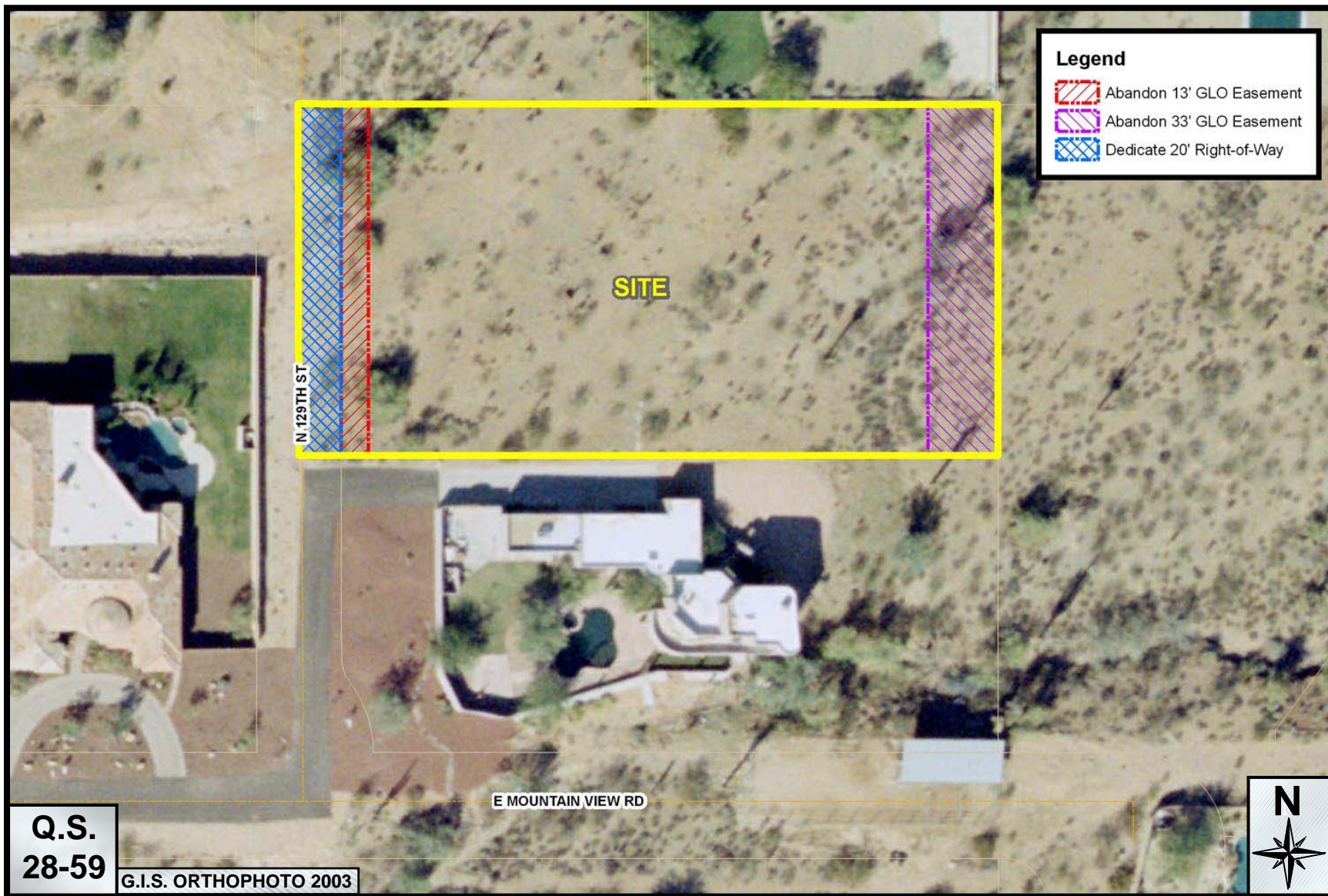
There is a minor wash along the property's eastern border. This wash will be included within the NAOS at the time that the GLO Easement is abandoned.



GLO Abandonment 129th Street

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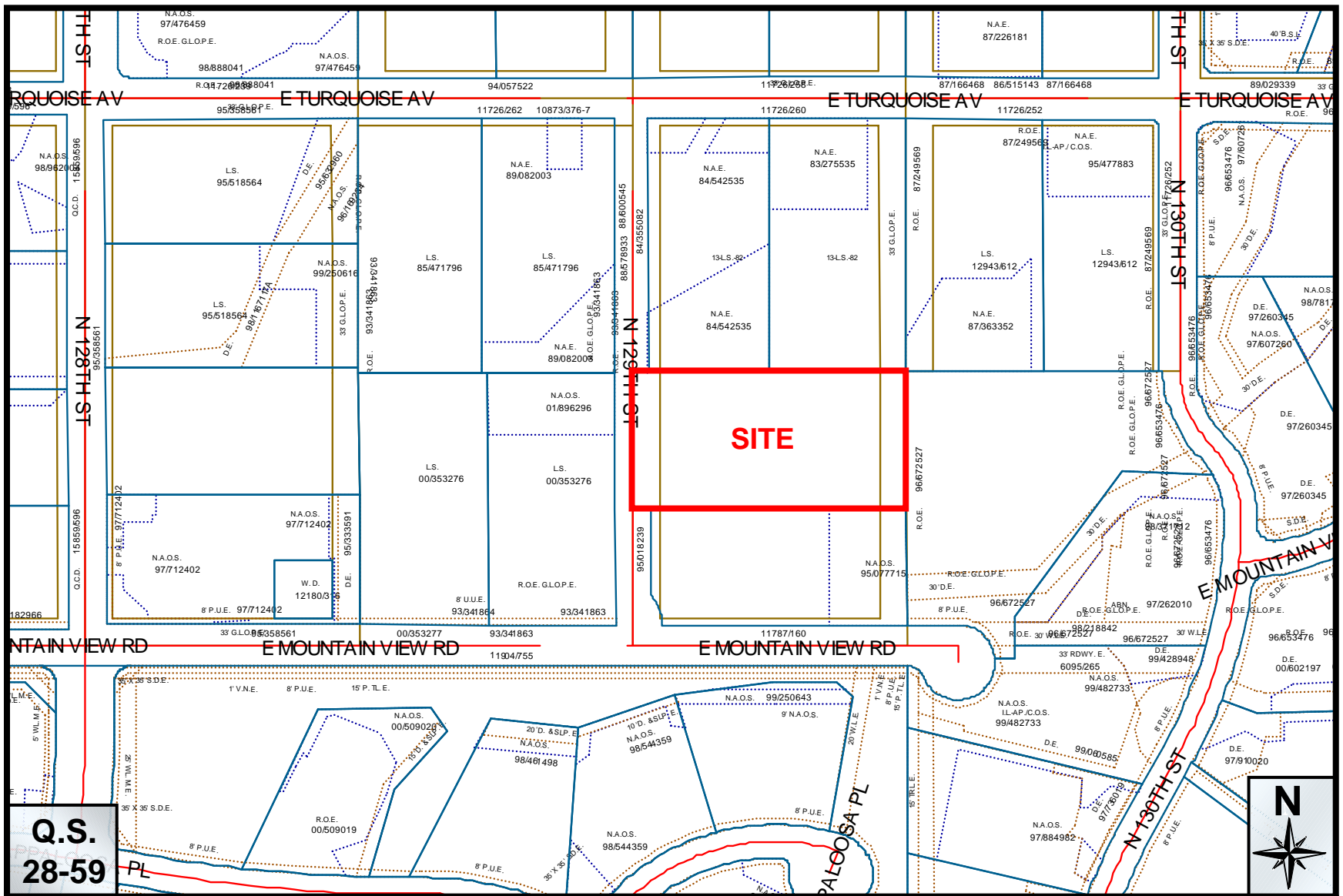
ATTACHMENT #2



GLO Abandonment 129th Street

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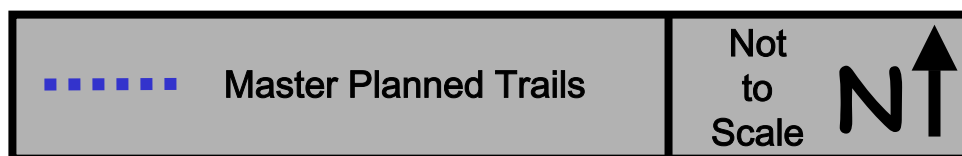
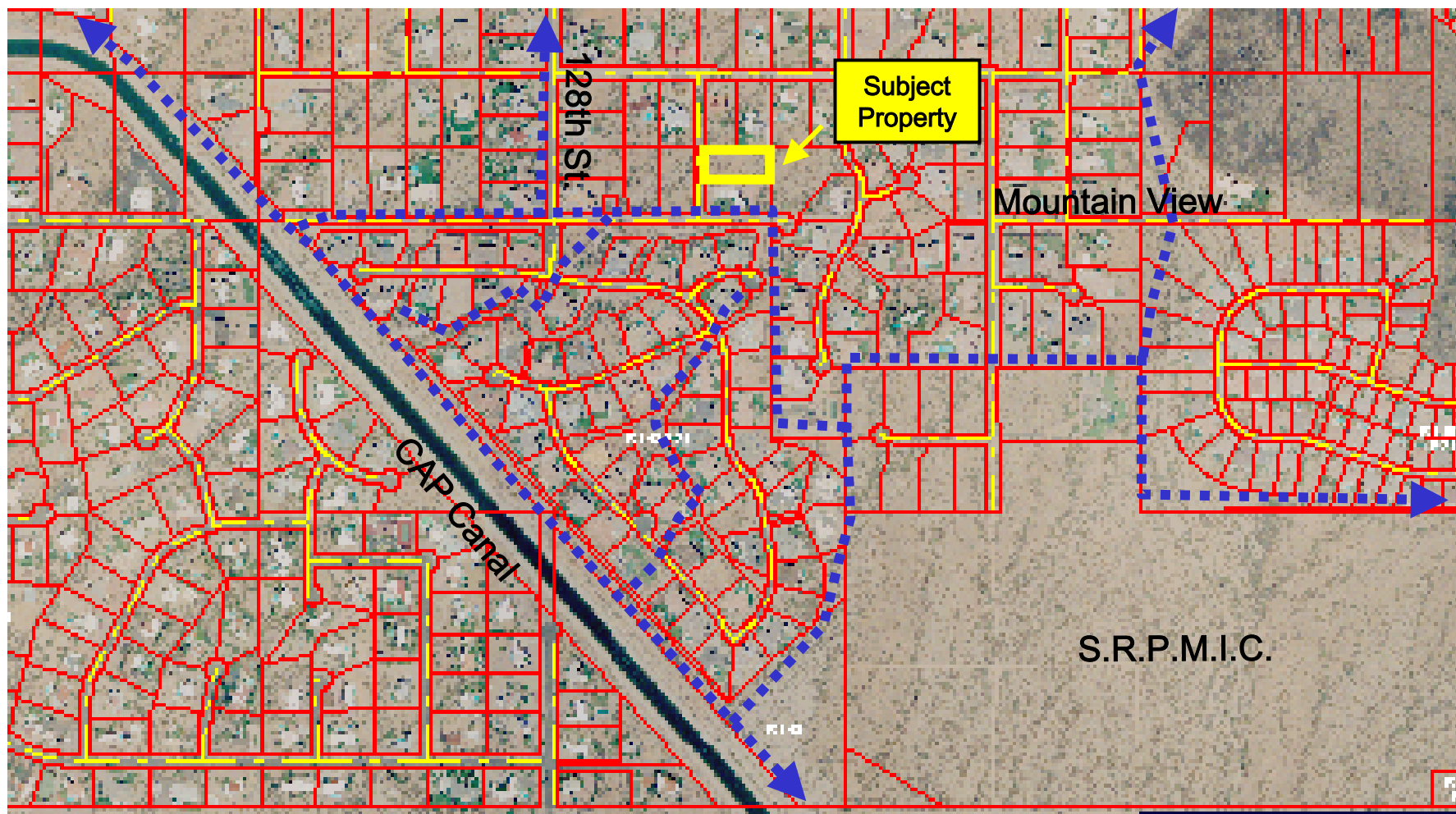
ATTACHMENT #3



GLO Abandonment 129th Street

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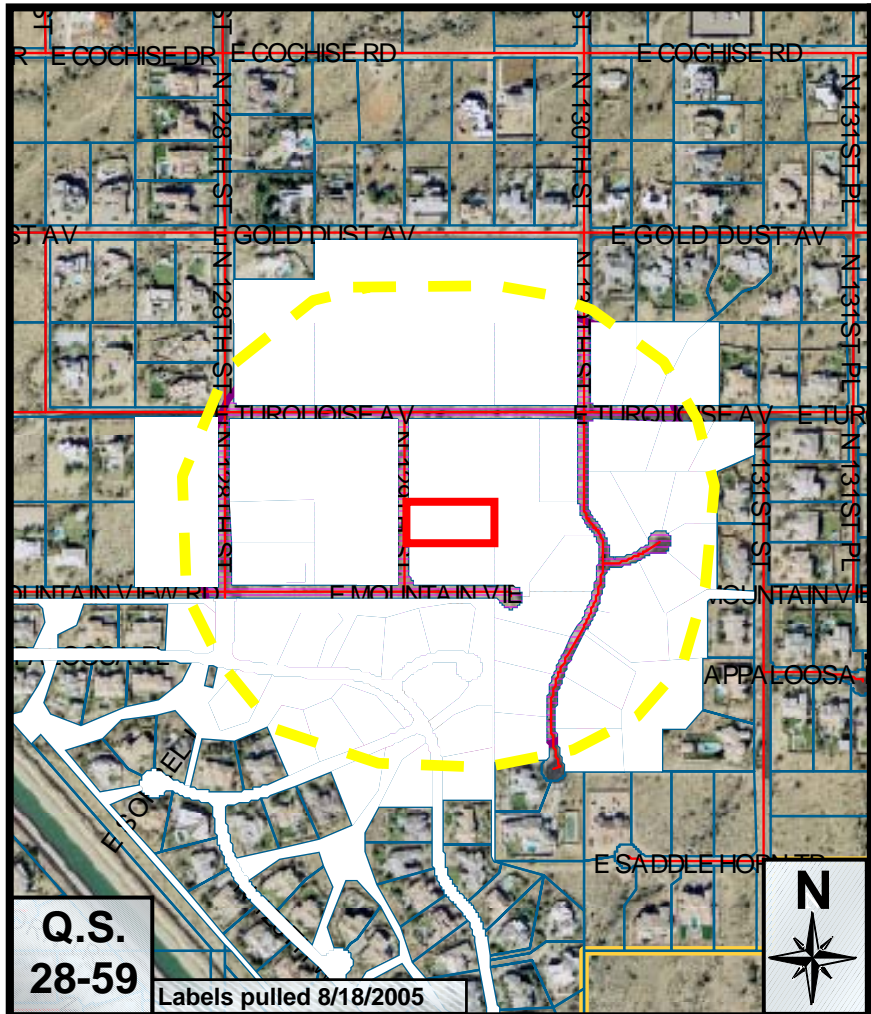
Trails in the Area of 4-AB-2004



June 2005

ATTACHMENT #5

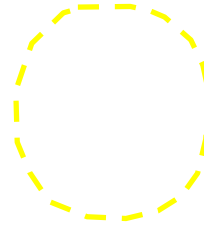
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOAs

GLO Abandonment 129th Street

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ATTACHMENT #6